

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services proposes to amend Chapter 109, “Child Care Centers,” Iowa Administrative Code.

The proposed amendments to child care center licensing standards would:

- Change an exemption to licensing to clarify that parents may be employed by a fitness center or nonprofit organization to teach or lead a social or recreational activity instead of merely participating in it. The parent still must be immediately available and accessible on the physical premises where the care is provided. This change was enacted in 2011 Iowa Acts, House File 649, section 92. The existing language indicates that the exemption does not apply if the parent is engaged in employment while the child care is provided.
- Add language to require specific levels of physical activity for children who are in care for four hours or more each day.
- Add language to limit time children may spend viewing television, DVD, and video and using computers.

Any interested person may make written comments on the proposed amendments on or before January 3, 2012. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 237A as amended by 2011 Iowa Acts, House File 649, section 92.

The following amendments are proposed.

ITEM 1. Amend rule **441—109.1(237A)**, definition of “Child care,” numbered paragraph 14, as follows:

14. A program offered to a child whose parent, guardian, or custodian is engaged solely in a recreational or social activity, remains immediately available and accessible on the physical premises on which the child’s care is provided, and does not engage in employment while the care is provided. However, if the recreational or social activity is provided in a fitness center or on the premises of a nonprofit organization, the parent, guardian, or custodian of the child may be employed to teach or lead the activity.

ITEM 2. Amend paragraph **109.12(1)“b”** as follows:

b. A balance of active and quiet activities; individual and group activities; indoor and outdoor activities; and staff-initiated and child-initiated activities.

(1) Children aged two years and older who attend a program for four hours or more per day shall be scheduled to participate in at least 60 minutes of physical activity per day.

(2) At least 30 of the 60 minutes required in 109.12(1)“b”(1) shall be structured and guided physical activity. The remainder of the physical activity may be concurrent with other active play, learning, and movement activities.

ITEM 3. Adopt the following **new** paragraph **109.12(5)“i”**:

i. Opportunities shall be provided for freedom of movement by limiting time spent while awake in confining equipment such as cribs, infant seats, swings, high chairs, or playpens.

ITEM 4. Adopt the following **new** subrules 109.12(6) and 109.12(7):

109.12(6) *Television, DVD, and video viewing.*

a. Television, DVD, or video viewing shall be prohibited for children up to 24 months of age.

b. For children aged 24 months or older, television, DVD, or video viewing shall be limited to one hour per day.

c. Staff shall preview television programs, DVDs, and videos to ensure that they are age-appropriate and educational.

d. Viewing periods may be extended for specific events or occasions, such as a current event, holiday, or birthday celebration. Written documentation shall justify the reasons for extending the viewing period.

e. An alternate activity must be provided during television, DVD, or video viewing time.

109.12(7) *Computer use.* Computer use shall be limited to no more than 15-minute increments except for school-age children completing homework assignments.